

Arkansas Department of Transportation



ARDOT EEO Office

Title VI Technical Assistance
Sub-recipients - Local Public Agencies

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Please note: This guide is intended to assist towards meeting the minimum Title VI requirements; and does not cover every situation. It contains legal authority references, processes and templates to achieve Title VI compliance. We encourage all subrecipients to contact ARDOT's EEO Office for questions and assistance as needed.

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Nondiscrimination References

Legal Authority	Summary
<u>Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d <i>et seq.</i></u>	Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
<u>Federal-Aid Highway Act of 1973, 23 U.S.C. § 324.</u>	Prohibits discrimination on the basis of sex in programs and activities receiving federal financial assistance.
<u>Age Discrimination Act of 1975, 42 U.S.C. § 6101 <i>et seq.</i></u>	Prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.
<u>Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.</u>	Prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance.
<u>Uniform Relocation Act of 1970, 42 U.S.C. § 4601 <i>et seq.</i></u>	Requires fair treatment of persons displaced by federal-aid programs and projects.
<u>Environmental Justice Executive Order (Exec. Order No. 12898, 59 Fed. Reg. 7629 (Feb. 11, 1994).)</u>	Requires federal agencies and federal-aid recipients to identify and address “disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.”
<u>Limited English Proficiency Executive Order (Exec. Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000).)</u>	Recipients of federal financial assistance must provide meaningful access to limited English proficiency (LEP) applicants and beneficiaries.
<u>49 C.F.R. Part 21</u>	Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.
<u>23 C.F.R. Part 200</u>	Title VI Program and Related Statutes - Implementation and Review Procedures.

Local Public Agency Title VI Requirements

In accordance with 23 CFR 200.9 (b) (7), Arkansas Department of Transportation (ARDOT) is required to conduct Title VI reviews of its subrecipients to effectively monitor compliance with Title VI/Nondiscrimination requirements.

Local Public Agencies “Cities, Counties, Township, Municipality or other political subdivision that may be empowered to cooperate with the State transportation department in highway matters” (23 CFR 635.102) that receives Federal Highway Administration (FHWA) Funds are not required to have a complete Title VI Plan. However, they are required to have:

1. A Title VI Coordinator.
2. Notice of Nondiscrimination that includes Limited English Proficiency language.
3. A Title VI complaint procedure and form.
4. Standard Title VI/Nondiscrimination Assurances from USDOT Order No. 1050.2A, signed annually or most current within the last three years.

Other Key Requirements and Actions

- Collect demographic data on programs and activities.
- Conform to ARDOT policies and procedures. (*ARDOT is the primary recipient agency responsible for administering Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) programs in the State*)
- Offer auxiliary aides to the public. Ex: TTD/TTY services
- Offer document language translation to the public or Braille as needed

Title VI/Nondiscrimination Coordinator

Minimum Requirement: Appoint a Title VI Coordinator to assure the agency comply with Title VI in all of its public programs and activities.

Relevant Legal Authority: 23 C.F.R. § 200.9(b)(1) 49 CFR 21.21(c)

Recommendation:

Designated Title VI Coordinator should be an employee of your agency. There may be more than one appointed. The coordinator is responsible for implementing, monitoring, and ensuring you agency is in compliance with Title VI regulations. The coordinator's name and contact information must be published on the agency's website and on any form made available to the public.

Notice of Nondiscrimination with LEP language

Minimum Requirement: Develop a Title VI nondiscrimination notice or policy statement committing your agency to nondiscrimination in its programs and activities.

Relevant Legal Authority: 23 CFR 200.9(b)(12) 49 CFR 21.9(d) Exec. Order No. 13166

Recommendation:

Make available to the public and other interested persons information regarding nondiscrimination in all programs, services, and activities. This includes a non-discrimination statement in anything that goes out to the public. Ex: Brochures, flyers, public meetings, etc...

Example of Notice of Nondiscrimination with LEP language

YOUR AGENCY NAME TITLE VI/ADA NOTICE OF NONDISCRIMINATION

The **YOUR AGENCY NAME** complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, **YOUR AGENCY NAME** does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the FMCSA Title VI Program), disability, Limited English Proficiency (LEP), or low- income status in the admission, access to and treatment in the **YOUR AGENCY NAME** programs and activities, as well as hiring or employment practices. Complaints of alleged discrimination and inquiries regarding **YOUR AGENCY NAME** nondiscrimination policies may be directed to **NAME OF PERSON (Title VI / ADA/504 Coordinator), ADDRESS, PHONE NUMBER, (Voice/TTY 711), or the following email address- NAME@xyz.com**

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

* **TITLE VI/ADA NOTICE OF NONDISCRIMINATION** should be posted in the main building area where the public has access to, on your website, public notices and bulletin boards

Understanding Limited English Proficiency (LEP)

Executive Order (EO) 13166 - Improving Access to Services for Persons with LEP set forth the compliance standards that recipients must follow to ensure that the program and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. Recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

LEP refers to individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English and, therefore, are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit or encounter.

AUTHORITY - Title VI of the Civil Rights Act of 1964 (Title VI) states that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Recommendation:

Have a plan to ensure that LEP individuals are provided meaningful access to your agency programs and services. Including, providing translators or translating documents as needed.

Complaint Form, Procedure and Process

Minimum Requirement: Develop a form and procedure to process and track discrimination complaints.

Relevant Legal Authority: 23 C.F.R § 200.9(b)(3)

Recommendation:

Subrecipients should utilize forms and procedures provided by ARDOT. Both should be viewable and printable by the public on your website.

Complaints can be filed to:

Arkansas Department of Transportation
Joanna P. McFadden, EEO/DBE Officer
10324 Interstate 30 Little Rock, AR 72209
Email: Joanna.Mcfadden@ardot.gov
Telephone: (501) 569-2298 (voice/TTY 711)

Complaint Procedure

The following procedures cover complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987.

“Any person who believes they, or any specific class of persons, were subjected to discrimination on the basis of race, color or national origin in programs or activities of a Federal-aid Recipient may file a complaint. According to U.S. DOT regulations, 49 CFR § 21.11(b), a complaint must be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the investigating agency”.

FHWA Title VI complaint process

1. If a sub-recipient receives a complaint, it **must** forward it to ARDOT, who will then forward the complaint to the FHWA Arkansas Division Office (Division).
2. All Title VI complaints received by the Division Office will be forwarded to Federal Highway Office of Civil Rights (HCR) for processing and potential investigation.
3. If HCR determines a Title VI complaint against a sub-recipient can be investigated by ARDOT, HCR may delegate the task of investigating the complaint to ARDOT. ARDOT will conduct the investigation and forward the Report of Investigation to HCR for review and final disposition.
4. The disposition of all Title VI complaints will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the Division Office.

NOTE: your agency should keep a log of all Title VI complaints received. The log shall include the date the complaint was filed, a summary of the allegations, the status of the complaint, and actions taken in response of the complaint.

Example of a Complaint Form

YOUR AGENCY NAME policy ensures nondiscrimination compliance, on the grounds of race, color, national origin, age, sex, religion (not applicable as a protected group under the FMCSA Title VI Program), disability, limited English proficiency (LEP), or low-income status as provided by Title VI of the Civil Rights act of 1964 and related Nondiscrimination authorities.

Title 42 U.S.C. Sections 2000d

Executive Order 13166 ensures individuals whose first language is not English and has a limited capacity to read, write or understand English have meaningful access to programs, information and services by any entity receiving Federal funding. Please provide the following information necessary in order to process your complaint. A formal complaint must be filed within 180 days of the occurrence of the alleged discriminatory act. Assistance is available upon request. Please contact **OFFICE OR PERSON NAME at (555) 555-5555.**

Complete this form and return to: YOUR AGENCY NAME and or OFFICE

Attn: **NAME OF PERSON and TITLE (Title VI / ADA/504 Coordinator),
ADDRESS**

Complainant's Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Telephone (Home): _____ Telephone (Work): _____

Person(s) discriminated against (if other than complainant)

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Telephone (Home): _____ Telephone (Work): _____

What is the discrimination based on? ☐ Race ☐ Color ☐ National Origin

☐ Disability ☐ Income ☐ Limited English Proficiency (LEP) ☐ Sex ☐ Age

Date of the alleged discrimination: _____ Location: _____

Agency or person that was responsible for the alleged discrimination:

Have you filed this complaint with any other Federal, State, or local agency? If so, whom?

What remedy are you seeking?

List names and contact information of persons who may have knowledge of the alleged discrimination.

Describe the alleged discrimination. Explain what happened and whom you believe as responsible.

Please sign and date. The complaint will not be accepted if it has not been signed. You may attach any written materials or other supporting information you think is relevant to your complaint.

Signature

Date

Public Transit Providers - FTA Title VI complaint process

FTA processes complaints under the following programs:

- [Americans with Disabilities Act \(ADA\)](#): prohibits discrimination based on disability
- [Title VI](#): prohibits discrimination based on race, color, or national origin
- [Equal Employment Opportunity \(EEO\)](#): prohibits discrimination toward an employee or job applicant based on race, color, religion, national origin, sex, age or disability. FTA investigates systemic charges of discrimination involving a transit agency's employment policies and practices. All individual complaints of discrimination must go to the [Equal Employment Opportunity Commission \(EEOC\)](#).
- [Disadvantaged Business Enterprise \(DBE\)](#): requires FTA funding recipients to comply with the DBE regulations (49 CFR Part 26).

Who May File a Complaint?

If you believe a public transit provider has failed to comply with any of the above requirements, you may file an administrative complaint with the FTA Office of Civil Rights. Complaints should be filed within 180 days of the alleged violation.

How to File

File a complaint by completing the [FTA complaint form \(PDF\)](#). The complaint form should be emailed to FTACivilRightsCommunications@dot.gov with "FTA complaint form" included in the subject line.

Alternatively, complaints may be mailed to:

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

Standard Title VI/Non-Discrimination Assurances Requirement

Minimum Requirement: Maintain a signed copy of the U.S. DOT Standard Title VI Assurances. This assures a commitment to compliance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities.

Relevant Legal Authority: 49 C.F.R. § 21.7; 23 C.F.R § 200.9(a)(1),(2); U.S. DOT Order No. 1050.2A

Recommendation:

Assurances should be signed by the highest Administrator or Director relating to Federal Highway or Federal Transit funds in your agency.

For FHWA Recipients

1. **"Recipient"**... The Name of Your City, County, Township, Municipality, University, College or political subdivision
2. **"Title of Modal Operating Administration"** Federal Highway Administration
3. **"Name of Appropriate Program"**....Federal Aid Highway Program
4. **"Name of Appropriate Legislative Authority"**....Title 23, United States Code
5. **"insert Agency name"**.... Federal Aid Highway Program

For FTA Public Transit Provider Recipients

1. **"Recipient"**... Your Agency Name
2. **"Title of Modal Operating Administration"** Federal Transit Administration
3. **"Name of Appropriate Program"**....Federal Transit Program
4. **"Name of Appropriate Legislative Authority"**....Title 49, United States Code
5. **"insert Agency name"**.... Your Agency Name

TITLE VI/ADA NOTICE OF NONDISCRIMINATION

The _____ complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, _____ does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the FMCSA Title VI Program), disability, Limited English Proficiency (LEP), or low- income status in the admission, access to and treatment in the _____ programs and activities, as well as hiring or employment practices.

Complaints of alleged discrimination and inquiries regarding _____ nondiscrimination policies may be directed to _____

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

Title VI Complaint Procedure

The following procedures cover complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987.

“Any person who believes they, or any specific class of persons, were subjected to discrimination on the basis of race, color or national origin in programs or activities of a Federal-aid Recipient may file a complaint. According to U.S. DOT regulations, 49 CFR § 21.11(b), a complaint must be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the investigating agency”.

_____ will keep a log of all Title VI complaints received. The log shall include the date the complaint was filed, a summary of the allegations, the status of the complaint, and actions taken in response of the complaint.

Title VI complaint process

1. When _____ receives a complaint, it will forward the complaint to ARDOT, who will then forward the complaint to the Federal Highway Administration (FHWA) Arkansas Division Office (Division).
2. All Title VI complaints received by the Division Office will be forwarded to Federal Highway Office of Civil Rights (HCR) for processing and potential investigation.
3. If HCR determines a Title VI complaint against _____ can be investigated by ARDOT, HCR may delegate the task of investigating the complaint to ARDOT. ARDOT will conduct the investigation and forward the Report of Investigation to HCR for review and final disposition.
4. The disposition of all Title VI complaints will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the Division Office.

Title VI Complaint Form

_____ policy ensures nondiscrimination compliance, on the grounds of race, color, national origin, age, sex, religion (not applicable as a protected group under the FMCSA Title VI Program), disability, limited English proficiency (LEP), or low-income status as provided by Title VI of the Civil Rights act of 1964 and related Nondiscrimination authorities.

Title 42 U.S.C. Sections 2000d

Executive Order 13166 ensures individuals whose first language is not English and has a limited capacity to read, write or understand English have meaningful access to programs, information and services by any entity receiving Federal funding. Please provide the following information necessary in order to process your complaint. A formal complaint must be filed within 180 days of the occurrence of the alleged discriminatory act. Assistance is available upon request. Please contact _____

Complete this form and return to:

_____ Attn: _____ (Title VI
/ADA/504Coordinator) _____ (Voice/TTY 711

Complainant's Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Telephone (Home): _____ Telephone (Work): _____

Person(s) discriminated against (if other than complainant)

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Telephone (Home): _____ Telephone (Work): _____

What is the discrimination based on? ☐ Race ☐ Color ☐ National Origin

☐ Disability ☐ Income ☐ Limited English Proficiency (LEP) ☐ Sex ☐ Age

Date of the alleged discrimination: _____ Location: _____

Agency or person that was responsible for the alleged discrimination:

Have you filed this complaint with any other Federal, State, or local agency? If so, whom?

What remedy are you seeking?

List names and contact information of persons who may have knowledge of the alleged discrimination.

Describe the alleged discrimination. Explain what happened and whom you believe as responsible.

Complainant should sign and date. The complaint will not be accepted if it has not been signed. You may attach any written materials or other supporting information you think is relevant to your complaint.

Signature

Date

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The **(Title of Recipient)** (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through **(Title of Modal Operating Administration)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the **(Title of Modal Operating Administration)**."*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **(Name of Appropriate Program)**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all (***Name of Appropriate Program***) and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The (***Title of Recipient***), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, [**Name of the recipient**] also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the [**insert Agency name**] access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the [**insert Agency name**]. You must keep records, reports, and submit the material for review upon request to [**insert Agency here**], or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

[**Name of Recipient**] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the (**Name of Appropriate Program**). This ASSURANCE is binding on [**insert State**], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the (**Name of Appropriate Program**). The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

(**Name of Recipient**)

by _____
(**Signature of Authorized Official**)

DATED _____

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, (***Title of Modal Operating Administration***), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the (***Title of Modal Operating Administration***) to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the (***Title of Modal Operating Administration***), as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the (***Title of Modal Operating Administration***) may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The

contractor will take action with respect to any subcontract or procurement as the Recipient or the **(Title of Modal Operating Administration)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **(Title of Recipient)** will accept title to the lands and maintain the project constructed thereon in accordance with **(Name of Appropriate Legislative Authority)**, the Regulations for the Administration of **(Name of Appropriate Program)**, and the policies and procedures prescribed by the **(Title of Modal Operating Administration)** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **(Title of Recipient)** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto **(Title of Recipient)** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **(Title of Recipient)**, its successors and assigns.

The **(Title of Recipient)**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the **(Title of Recipient)** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (***Title of Recipient***) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (***Title of Recipient***) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (***Title of Recipient***) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by **(Title of Recipient)** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **(Title of Recipient)** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **(Title of Recipient)** will there upon revert to and vest in and become the absolute property of **(Title of Recipient)** and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

TITLE VI / ADA NONDISCRIMINATION PROGRAM POLICY STATEMENT

The _____ policy ensures nondiscrimination compliance, on the grounds of race, color, national origin, age, sex, religion (*not applicable as a protected group under the FMCSA Title VI Program*), disability, limited English proficiency (LEP), or low-income status as provided by Title VI of the Civil Rights act of 1964 and related Nondiscrimination authorities.

The following nondiscrimination statutes and authorities include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C § 2000d et seq.);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.);
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.);
- Americans With Disabilities Act of 1990;
- The Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- 49 CFR Part 303
- USDOT Order 1050.2A;
- Executive Order # 12898 (Environmental Justice);
- Executive Order # 13166 (Limited-English-Proficiency).

No person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any _____ program or activity. Every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. The _____ sub-recipients, grant recipients, and contractors must also comply with this policy.

The _____ Civil Rights Officer and program areas must work closely to implement their mutual Title VI nondiscrimination program responsibilities. Therefore, each program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all of the _____ programs and activities.

The Director signs assurances and delegates full authority to the Title VI/ADA Program Coordinator to oversee and implement Title VI regulations.

Dated _____

By _____

Title _____

Agency _____

Title VI Presentation

ARDOT EEO Section has developed a presentation to further assist you in meeting Title VI requirements. The [PowerPoint tutorial](#) was developed to assist at your convenience. We encourage Title VI Coordinators and Specialists to participate in training every three (3) years to stay abreast of Title VI laws and or changes. Our hope is that this guide and tutorial will provide you the necessary tools to:

- Understand Title VI of the Civil Rights Act of 1964
- Understand and implement elements of compliance

PowerPoint tutorial: <https://www.ardot.gov/wp-content/uploads/2021/07/ArDot-Subrecipients-Title-VI-Technical-Assistance-1.pdf>